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TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS  
NEW WINDSOR, NEW YORK

July 27, 2009

7:30 pm .

New Windsor Town Hall

New Windsor, New York

ZONING BOARD MEMBERS:

MICHAEL KANE: Chairman

FRANCES BEDETTI

JAMES DITTBRENNER

KM VOLPE

ANDREW KRIEGER, Attorney

NICOLE JULIAN, Secretary

BOARD MEMBERS NOT PRESENT:

LEN McDONALD

PATRICK TORPEY

MR. KANE: I'd like to call the July 27, 2009

Town of New Windsor Zoning Board of Appeals  
meeting to order. Roll call, please?

MS. JULIAN: Miss Volpe?

MS. VOLPE: Here.

MS. JULIAN: Mr. Dittbrenner?

MR. DITTBRENNER: Here.

MS. JULIAN: Mr. Bedetti?

MR. BEDETTI: Here.

MS. JULIAN: Mr. McDonald? Mr. Torpey? Mr. Kane?

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MR. KANE: Here. Motion to accept the minutes of  
June 8th, 2009 as written?

MR. DITTBRENNER: So moved.

MR. KANE: Second?

MR. BEDETTI: Second.

MS. JULIAN: Miss Volpe?

MS. VOLPE: Yes.

MS. JULIAN: Mr. Dittbrenner?

MR. DITTBRENNER: Yes.

MS. JULIAN: Mr. Bedetti?

MR. BEDETTI: Yes.

MS. JULIAN: Mr. Kane?

MR. KANE: Yes.

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JOHN & TAMMY DOROZYNSKI (09-24)-PRELIMINARY  
HEARING

MR. KANE: Tonight's first preliminary meeting is  
John and Tammy Dorozyński, request for an  
interpretation for an existing home with two

kitchens which creates a two family house at 91 Fox Hill Run in an R-1 Zone. Come on up. Let me explain the way the Town of New Windsor works is that we hold a preliminary meeting. It will be very much like the public meeting but this way we can get a general idea of what you want to do. Also that you would have everything you need to make that request. Other towns in New York state don't do it that way and they have one meeting and you walk in, you don't have everything you need. So this way it's a preliminary, we get a good idea what's going on and then by law we have to make every decision in a public hearing. Then we will set you up for a public hearing and basically repeat the process, but the public will be involved at that time, if there is any here for that particular hearing. Okay, so what you want to do is state your name and address, tell us exactly what you want to do.

MR. DOROZYNSKI: John W. Dorozynski, Jr.

MRS. DOROZYNSKI: Tammy L. Dorozynski.

MR. DOROZYNSKI: 91 Fox Hill Run, New Windsor. New York. Rock Tavern is the mailing address.

MR. KANE: Okay, tell us what you want to do so it's on the record?

MR. DOROZYNSKI: Basically we just built a new home and during the construction process and under the current CO we had done a rough-in for a second kitchen and we knew we had to come in to do both. What we understood as an accessory dwelling, if you will, which would allow us to put in the second kitchen for summer parties and possible mother daughter later on. So all the electrical has been done, all the plumbing has been roughed-in, so it's just a matter of hooking things up and getting the approval for the second  
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stove.

MR. KANE: The building department has been up on that because we're trying to keep it as safe as possible and not have two-family homes where none are allowed or illegal apartments. So the key questions here one, you're going to have one gas and electric meter that feeds the whole home?

MR. DOROZYNSKI: Yes, that's correct.

MR. KANE: Your intention is to have a kitchen

and a summer kitchen in a single family home?

MR.DOROZYNSKI:Correct.

MR.KANE:And will it always be -- if you sell the home it will be sold as a single family home?

MR.DOROZYNSKI:Correct.

MR.KANE:With two, basically with two kitchens?

MR.DOROZYNSKI:Yes.

MR.BEDETTI:How many lavatory facilities, bathrooms and so on?

MR.DOROZYNSKI:In the house total?

MR.BEDETTI:Well, certainly with regard to where the new addition is going to be, auxiliary kitchen.

MR.DOROZYNSKI:We set it up during construction as an in-law suite, so it would be ready for that in case we ever needed to use it including a handicapped bathroom.

MR.BEDETTI:Okay.

MR.DOROZYNSKI:One in that area?

MR.BEDETTI:But with the potential that one, another one could be put in.

MR.DOROZYNSKI:We have it pre-plumbed in the basement for another bathroom. Currently on that JULY 27, 2009 5

first level there's one and a half baths. On the second floor level there's two full baths. And then the basement we have prepped for a third, another bath, a full bath.

MS.VOLPE:John, in terms of exit and entry for the mother daughter if it were to become that where is that located?

MR.DOROZYNSKI:If you came to the front entrance, went around to the left there is a separate entrance which during the construction --

MS.VOLPE:If you're looking at this picture?

MR.DOROZYNSKI:Yes, around here to the left there is an entrance. There's also an exit off a bedroom that goes out onto the back deck which is a common deck.

MR.KANE:Do you have clear access to that part from the main house?

MR.DOROZYNSKI:Yes.

MR.KANE:So there's clear access?

MR.DOROZYNSKI:Also an entrance, yes.

MR.KANE:Any further questions?

MR.BEDETTI:No.

MR.KANE:None at this time,I'll accept a motion.

MS.VOLPE:I offer a motion we grant John and Tammy Dorozynska public hearing with a request for interpretation for existing home with two kitchens for a probable two-family house at 91 Fox Hill.

MR.KANE:Can you rephrase that? I prefer that we request an interpretation for an existing home with two kitchens being used as a single family home.

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MS.VOLPE:Okay, you got it.

MR.BEDETTI:I will second the motion.

MR.KANE:Thank you.

MS.JULIAN:Miss Volpe?

MS.VOLPE:Yes.

MS.JULIAN:Mr.Dittbrenner?

MR.DITTBRENNER:Yes.

MS.JULIAN:Mr.Bedetti?

MR.BEDETTI:Yes.

MS.JULIAN:Mr.Kane?

MR.KANE:Yes.Motion carried.

MR.KRIEGER:I'd like to explain to them so they understand what's going on, we do it all the time. There are two possible ways that the Zoning Board will proceed with this. If they interpret all the facts of your circumstance as a single family home with two kitchens it's an allowed use and they can do that. If on the other hand you were to look for a two-family use that would be a use variance. There are considerable hurdles that you have to leap over to do that. It's the reason for the chairman's questions about single family house. The reason when you have two kitchens the building inspector's office wants it on record so if in the event in the future that it is used as a rental property that all they have to do is they wouldn't have to get a warrant, all they have to do is come to court and produce that decision and say see, here it is.

Now, another daughter is a term much beloved of real estate people but which it does not appear in the statute here. What does appear in the statute is the definition of single family. It includes up to six unrelated persons and

certainly a mother would qualify. You are still  
in the single family house just because if you  
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are granted that permission to use that it  
doesn't mean that it would no longer become  
necessary that you'd have a rental unit, you  
don't, not now, not ever.

MR. KANE: And the other portion of that is that  
the variance goes with the property. So if you  
ever decide to sell and your intentions are to  
keep it that way that it's on record that this is  
the way it was always meant to be and always will  
be. And therefore we try to cover every basis  
with that.

MR. KRIEGER: If you were to sell it as other  
than a single family home you will be committing  
fraud and you would, notwithstanding the closing,  
you would be liable for that.

MR. KANE: He's a lawyer, he doesn't cut any  
punches, he goes right to the heart of the  
matter.

MR. KRIEGER: Never good.

MR. DOROZYNSKI: I have no issues with that.

MR. KANE: And this will tell you everything that  
you need to do next.

MRS. DOROZYNSKI: Thank you.

MR. KANE: You're welcome, have a good evening.

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ARTHUR GLYNN (09-25)-PRELIMINARY HEARING

MR. KANE: Next is a preliminary meeting, Arthur  
Glynn request for a variance which is required  
for lot area, lot width, required side yards, and  
rear yard at 22 Cedar Avenue in an R-4 Zone.  
Good evening, sir. You heard my whole speech  
before?

MR. GLYNN: Yes.

MR. KANE: State your name. Speak loud enough  
for this young lady over here.

MR. GLYNN: Arthur Glynn and the residence 307  
River Road North, Wappingers Falls.

All right, on this piece of property I had  
gotten a variance I guess going back over a year  
ago. Unfortunately due to an oversight on my part  
I didn't file for a building permit in time so it  
expired. So that was totally my fault. So the  
original house we had looked at doing had a

basement. After talking to Lou when all of this started we were trying to get a permit going on something here because I want to build a house on this hopefully to sell the house on the property just to recoup my money on it because we are not having much luck selling the property right now. We were looking at doing a ranch but we can't do a basement because there's an issue with getting rid of water. Because it's a below-grade area we can't discharge the water to daylight. So we looked at a ranch but it's going to come in with the 5-foot setback because we have someone interested in purchasing it but they want a garage. So I'm asking the board instead of the 5-foot setbacks what if we went to a conventional raised ranch that was 28 by 48 that would have 11 feet on each side. I think the biggest issue is side yard setbacks. We did provide pictures to show the distance of the two adjacent properties that we would be on, you know, not on top of anybody, next to any of the sides.

MR. KANE: So you're looking actually for 11 feet on each side?

MR. GLYNN: Yes.

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MR. KANE: So a variance of nine on each side?

MR. GLYNN: Originally we had a 30 by 40 was what we had approved for so we had 15 on each side. So now we're asking for 11 feet on each side so the house, it's a modular we are going to put up, it's a raised ranch, you know, typical split, it's 28 by 48. Because Lou had mentioned the five feet on each side it's going to be very difficult to get through so.

MR. DITTBRENNER: The renderings that are in here are not accurate. You're saying you've got a 30 by 48?

MR. GLYNN: That was on — we're trying — we were asking because this comes in with 5 feet on each side. We're going to just can this idea and go with a conventional raised ranch which is 28 by 48. The garage is under the house.

MR. KANE: For the public hearing could you give us an update?

MR. GLYNN: I can get a regular site plan drawn up, something more efficient.

MR. KANE: Well, that's good, that helps. So

basically then you're going to, since that expired we have to basically start everything new?

MR. KRIEGER: Basically. I mean, yes, you do. Obviously it sounds as if he's changing it anyway.

MR. KANE: Right.

MR. GLYNN: The biggest problem we ran into we didn't realize before was the issue with the water. Originally we were going to build a cape with full basement but we can't get rid of the water. So that discounts the basement.

MR. KRIEGER: A full basement would be an indoor swimming pool?

MR. GLYNN: Exactly.

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MR. KANE: We're going to, before we can, before we send out the mailing tell me, if I'm looking at this right, Jim, we need to have correct numbers.

MR. DITTBRENNER: Yes.

MR. KANE: Because the numbers we have on the denial book wrong.

MR. GLYNN: I know, that's what Lou — that's what we applied for. In talking to him again I think instead of going through looking for 5 feet —

MR. KANE: That's fine. Set it up with him so we have the correct numbers to put out in the mailings so all of that is correct.

MR. GLYNN: I apologize.

MR. KANE: Not a problem, that's why we have a prelm so we can make sure we have everything we need.

MR. DITTBRENNER: Now we are going to have 30 by 40 you said?

MR. GLYNN: 28 by 48. It's 11 on each side.

MR. KANE: Right, but, okay. You're going to have 11 feet on each side which means you're going to need a 9-foot?

MR. GLYNN: I'm sorry. Now the front and rear yard I don't know what setbacks does the town want to see on that. I know we're still not conforming. I don't believe it was required on the table today but I'll have to double check.

MR. KANE: Double check with the building department on that. I don't know what the new

numbers are for that neighborhood, just with the mailing so that all the numbers are exact and at the public hearing everything is correct as far as numbers.

MR. GLYNN: Right.

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MR. KANE: Any easements going through the property?

MR. GLYNN: No.

MR. KANE: Cutting down any substantial trees or vegetation in the building of the home?

MR. GLYNN: No. There was a mobile home that spanned two lots and actually part of the old slab we have to remove.

MR. KANE: Right. And you've already taken into consideration by not building the basement that you won't be creating any water hazards or runoffs?

MR. GLYNN: Right.

MR. KANE: Anything further from the board?

MR. BEDETTI: No.

MR. KANE: I'll accept a motion.

MR. DITTBRENNER: Move that the application of Arthur Glynn be forwarded to a public hearing as it relates to the variance required for lot area, lot width and the required side and both side yards and rear yard setback requirements. I would also add that we will receive a modified application detailing those requirements which I believe at this point would be a required variance for the side yard revised to 9 feet in either the rear or front yard setbacks revised to either 21 feet or 26 feet respectively.

MS. VOLPE: I second the motion.

MS. JULIAN: Miss Volpe?

MS. VOLPE: Yes.

MS. JULIAN: Mr. Dittbrenner?

MR. DITTBRENNER: Yes.

MS. JULIAN: Mr. Bedetti?

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MR. BEDETTI: Yes.

MS. JULIAN: Mr. Kane?

MR. KANE: Yes.

MR. GLYNN: So I will just go up and —

MR. KANE: Talk to him, once everything is done follow-up on that.

MR. GLYNN: Thank you very much, have a good



evening.

MR.KANE:Take care.

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EILEEN SHARROW (09-22) -PUBLIC HEARING

MR.KANE:Tonight's first public hearing is Eileen Sharrow request for a variance for a proposed addition above two car garage and an interpretation as a single family home.I would ask if there's anybody here for this particular hearing? There's nobody here so we don't need to do this.O.kay, the same thing, tell us exactly what you want to do on this.It's the public so we are kind of repeating ourselves from the preliminary.Name, address?

MS.SHARROW :Eileen Sharrow ,19 Lawrence Avenue , New Windsor.

MR.WATSON:Jack Watson,I am the architect for her project.I guess just reviewing what we went over last time.

MR.KANE:This is the public record,state the exact same thing.

MR.WATSON:The proposal is to connect the existing garage to the present residential structure.There's only about 5 feet between the two buildings currently.And the addition for the added living space would be above the garage area only.And the two would be connected in such a way that there is access between them . There will be access between the two.

MR.KANE:You're going to have a connecting walkway from the proposed addition on top of the garage into the main home?

MR.WATSON:It's actually more than a walkway, it's enclosed conditioned space.It's part of the building.

MR.KANE:But it allows access --

MR.WATSON:Yes.

MR.KANE:--through that? And your intention on this is to put a little kitchen area in there?

MR.WATSON:Yes.

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MR.KANE:The home would still be run on service by one gas meter and one electric meter?

MR.WATSON:Yes.

MR.KANE:Your intention is to always use this as a single family home and not as a rentable

apartment or two-family home?

MS.SHARROW :No,no.

MR.KANE:Cutting down any trees or substantial vegetation in the building of the walkway?

MR.WATSON:No.

MS.SHARROW :No.

MR.KANE:Okay.Creating any water hazards or runoffs?

MS.SHARROW :No.

MR.KANE:Some questions may seem silly but I have to ask them anyway so we can get right to the meat of the matter. I will once again open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not we will close the public portion of the meeting and ask to call how many mailings we had?

MS.JULIAN:On the 15th day of July 2009 we mailed out 101 addressed envelopes with no response.

MS.SHARROW :We got four back.

MR.KANE:We'll bring it back to the board for further questions.

MR.KRIEGER:If I understand correctly the footprint, the existing footprint will not change?

MR.WATSON:That's correct, with the exception of the connection between the two buildings.

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MS.SHARROW :Right.

MR.KRIEGER:Okay.That connection would change the footprint by adding how much?

MR.WATSON:Well, the buildings are about 5 feet apart. I would assume it's going to be about maybe 8 feet by 5. So we're talking about 40 square feet.

MR.KRIEGER:It is a single family house and it will always be a single family house?

MR.WATSON:Yes.

MR.KRIEGER:That's it.

MR.KANE:Any further questions from the board?

Kim ,you okay?

MS.VOLPE:Yes.

MR.KANE:I will accept a motion then.

MR.DITTBRENNER:I make a motion that we grant the application of Eileen Sharrow at 19 Lawrence Avenue, New Windsor, New York on a request for an interpretation at 19 Lawrence Avenue as a single

family home with two kitchens.

MS.VOLPE:I will second the motion.

MS.JULIAN:Miss Volpe?

MS.VOLPE:Yes.

MS.JULIAN:Mr.Dittbrenner?

MR.DITTBRENNER:Yes.

MS.JULIAN:Mr.Bedetti?

MR.BEDETTI:Yes.

MS.JULIAN:Mr.Kane?

MR.KANE:Yes.Motion carried.

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MR.DITTBRENNER:Before we go to the next one did the public notice that went out clearly define what the variance request was because in the agenda it talks about a proposed addition above existing two car garage which will create a two-family house at 19 Lawrence Avenue?

MR.KANE:That's exactly how it went out on the public notice and that was changed to a lesser motion as an interpretation.

MR.BEDETTI:The new notice went out as an interpretation?

MR.KANE:No.It went out as proposed but you can, you know, if it's a lesser evil it's not an issue.You can't form one and not put it in the public notice, but you can come in and ask for less.

MR.BEDETTI:Alright.

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CHRISTOPHER SOMMERS (09-23) -PUBLIC HEARING

MR.KANE:The next public hearing is Christopher Sommers,request for a variance from the proposed addition and deck will be 22 feet from the rear property line.Required rear yard depth is 50 feet,a variance of 28 is required at 22 Hill View Road.

Hi, the same as the preliminary, do you want to state your name and address and tell us why you're here?

MR.SOMMERS:Christopher Sommers, 22 Hill View Road, New Windsor.

MRS.SOMMERS:Julia Sommers, 22 Hill View Road, New Windsor.

MR.SOMMERS:We are seeking a variance for the back lot line. When the addition goes up it will stretch a little closer to the line.It will be

tacked to the side of the bi-level that's there now. It will shape like an L. The deck that comes onto the new addition will join with the existing deck to make one continuous.

MR. KANE: And how big is the addition that you are proposing to put on?

MR. SOMMERS: It's 29 feet wide across the front and I believe it's 37 feet deep.

MR. KANE: Cutting down any substantial vegetation or trees in the building of the addition?

MR. SOMMERS: No.

MR. KANE: Creating any water hazards or runoff?

MR. SOMMERS: No.

MR. KANE: Any easements running through the area where the proposed addition is proposed to be?

MR. SOMMERS: No.

MR. KANE: Does the addition to the home keep in  
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similar style to other homes that are in your neighborhood, size-wise?

MR. SOMMERS: It will be a little larger.

MR. KANE: Slightly larger?

MR. SOMMERS: Yeah.

MR. KANE: It goes with the neighborhood?

MR. SOMMERS: Yes, right, sure. It's a bi-level home.

MR. KANE: Let's get this out of the way. At this point I'll open it up to the public and ask if there's anybody here for this particular meeting? Let the record show there's nobody here, we will close the public portion of the meeting and ask Nicole how many mailings we had?

MS. JULIAN: On July 15th, 2009 we mailed out 14 addressed envelopes with no written response.

MR. KANE: Now, my understanding from the preliminary meeting is this is all going to be living area and bedrooms?

MR. SOMMERS: Right.

MR. KANE: There's not going to be an additional kitchen at all?

MR. SOMMERS: No.

MR. KANE: So no issues that way. And the addition you're putting on you deemed is the smallest possible addition to fit your needs?

MR. SOMMERS: Yes, any smaller it would be worthless.

MR.KANE:Understood.Further questions from the board?

MR.D ITBRENNER:Yes.According to the plat map that you provided the proposed addition from a rear yard setback standpoint would be 30.7 feet.  
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You are required to have 50. So why are we, why is there a request for 28 feet, the proposal?

MR.SOMMERS:Yes, this is the front. This is where —

MR.BEDETTI:Is that without the deck?

MR.SOMMERS:That is without the deck.

MR.D ITBRENNER:You have a deck.

MR.SOMMERS:It's 6 feet.

MR.D ITBRENNER:There's an addition here that we don't see?

MR.SOMMERS:Right, it connects to this. This all gets wrapped around.

MR.D ITBRENNER:Okay.

MR.KANE:Could you show Kim where that addition, that deck is going to be so she can see it? Further questions?

MR.BEDETTI:No.

MR.D ITBRENNER:No.

MR.KANE:Kim?

MS.VOLPE:No.

MR.KANE:I'll accept a motion.

MR.BEDETTI:I'll make a motion that we grant the variance for a proposed addition and a deck that will be 22 feet from the rear property line at 22 Hill View Road in an R4 zone to Christopher Sommers.

MS.VOLPE:I will second the motion.

MS.JULIAN:Miss Volpe?

MS.VOLPE:Yes.

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MS.JULIAN:Mr.D itbrenner?

MR.D ITBRENNER:Yes.

MS.JULIAN:Mr.Bedetti?

MR.BEDETTI:Yes.

MS.JULIAN:Mr.Kane?

MR.KANE:Yes.Motion carried.

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FORMAL DECISIONS

MR.KANE:Guys, we have a number of formal decisions. If you want we can take them with one

vote, it's up to you. If so I will accept a  
motion on that.

MR. DITTBRENNER: Mr. Chairman, I move we approve  
the formal decisions as detailed in the agenda  
with one vote.

MR. BEDETTI: I will second that motion.

MS. JULIAN: Miss Volpe?

MS. VOLPE: Yes.

MS. JULIAN: Mr. Dittbrenner?

MR. DITTBRENNER: Yes.

MS. JULIAN: Mr. Bedetti?

MR. BEDETTI: Yes.

MS. JULIAN: Mr. Kane?

MR. KANE: Yes. Motion carried. Adjourned.

C E R T I F I C A T I O N

THE FOREGOING IS CERTIFIED to be a true  
and correct transcription of the original  
stenographic minutes to the best of my ability.

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Roberta O Rourke